



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2405167
Applicant Name: Julie Johnsten for John and Lisa Guthrie
Address of Proposal: 7350 Mary Av NW

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel containing two existing single-family residences into two (2) parcels with one single-family residence on each parcel. Proposed parcel sizes are: A) 3,200 square feet and B) 1,800 square feet.

The following approval is required:

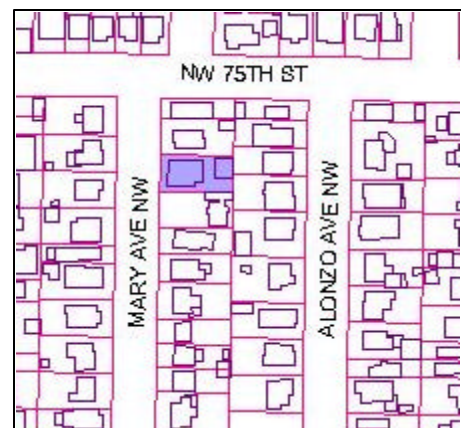
Short Subdivision - to subdivide one existing parcel into two parcels pursuant to Seattle Municipal Code (SMC) 23.24.046.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The 5,000 square foot project site is located in a single-family residential zone with a minimum lot size of 5,000 square feet (SF 5000), located in the northwest area of Seattle. The parcel is located approximately one hundred (100) feet southeast of the intersection of Mary Ave NW and NW 75th Streets, with approximately fifty (50) feet of street frontage.



Mary Ave NW is paved with curbs, gutters, sidewalks and planting strips on both sides of the street. There are two existing houses on the site, which are to remain. Existing vehicle access is from Mary Ave NW. The lot has a gentle rise in slope from northeast corner to southwest corner. Mary Ave NW is classified as a non-arterial street, pursuant to SMC Chapter 23.53. Surrounding properties and blocks are also zoned SF 5000. Development in the area consists of a variety of one and two-story single-family houses of varying age and architectural style on a variety of lot sizes, consistent with the zoning designations.

Proposal

Pursuant to SMC 23.24.046, multiple single-family dwelling units on a single-family lot may be subdivided when the provisions of the chapter are met. The proposal is to subdivide one parcel of land into two (2) parcels. Proposed lot areas are indicated in the Summary of Proposed Actions above. Proposed parcels A and B will have direct pedestrian and vehicle access to Mary Ave NW. The existing single family residences will remain. The existing curbcut will remain which gives vehicle access to proposed parcels A and B.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

During the public comment period, which ended August 11, 2004, DPD received one written comment from the public related to the subdivision application. The comment related to the proposed lot sizes, substandard yards, potential loss of personal space or a negative impact on property value through future construction/development on the eastern parcel.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments from the Department of Planning and Development, Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet. The allowed use in a single-family zone is one dwelling unit per lot, with accessory dwelling units meeting the provisions of SMC 23.44.041 and multiple single-family dwelling units on a single-family lot meeting the provisions of SMC 23.24.046. Maximum lot coverage is 35% or 1,750 sq ft whichever is greater or as modified by SMC 23.24.046. Front yard setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, whichever is less. In this case, the front yard for the western structure is existing. The minimum side yard setbacks are five (5) feet, except as modified by 23.24.046B.5. Minimum rear yard setbacks are twenty-five (25) feet or if lot depth is less than one-hundred twenty five feet (125'), 20% of lot depth, or as modified by 23.24.046B.5. The principal structures associated with this subdivision will have some degree of non-conformity relevant to development standards and as a result will be subject to SMC 23.42.112 – Nonconformity to development standards. **Table 1** below, outlines the required yards (their conformities or non-conformities) for both proposed parcels A and B of this subdivision.

TABLE 1					
Analysis of Required Yards					
	Front Yard	Side Yard (north)	Side Yard (south)	Side Yard (west)	Rear Yard
Parcel A, 7350 Mary Ave NW	Non-conforming at 12.5'.	At 8.8'	At 5.7'	NA	At 14.84'*
Parcel B, 7348 Mary Ave NW	Conforming at +20'	Non- conforming at 3.83'	Conforming at 5.23'	At 6.1' to the face of the façade and 2.6' from the porch/steps to the proposed lot line between parcel A and B.	Non- conforming at 1.7'

*which is greater than requirement of 20% of 69.0' or 13.80'.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed parcels A and B will have direct pedestrian access to Mary Ave NW. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement to provide for electrical facilities and service to the proposed lots.

There is vehicle access to proposed subject parcels by a southern 10.56' easement over the western 74.93' of parcels A and B. Each parcel will have one surface parking space and their locations are shown on the proposed short plat documents within the Master Use Permit file 2405167.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with storm drain facilities, domestic water supply and sanitary sewer disposal by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension.

The Short Plat application has been reviewed by DPDs Drainage Review and Seattle Public Utilities and they note the following:

Drainage: The PS is the appropriate point for stormwater discharge. (See Sanitary Sewer section below.)

Water Supply: A Water Availability Certificate by Seattle Public Utilities was issued on July 23, 2004 (WAC ID No. 20041058).

Sanitary Sewer: The existing structure located upon proposed Parcel A is connected by means of a single permitted sidesewer to a 12-inch public combined sewer (PS) located in Mary Ave NW. There is no record of a sidesewer serving the existing structure labeled "house" on the provided survey, located upon proposed Parcel B.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision. As a result, the public use and interest are served.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.

6. *Is designed to maximize the retention of existing trees;*

There are no trees located on the site. At the time of this decision, no related building permit has been applied for. Future construction will be subject to the provisions of SMC 23.44.008, 25.11.050 and 25.11.060 that sets forth tree planting and exceptional tree protection requirements on single-family lots.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this platting proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Subsection B of the SMC 23.24.046 outlines the requirements for the subdivision of a lot in a single-family zone containing more than one (1) existing single-family dwelling as detailed below.

1. *Each existing single-family dwelling unit was legally established by permit or is eligible to be established as a nonconforming development in accordance with Section 23.42.102, Establishing nonconforming status;*

There are existing permits on record with The City for the two single-family structures. The first building permit (#203082) was issued on June 1, 1921 to build a one and one-half story 30' by 28' residence on the western portion of the site. A second building permit (#236057) was issued on July 23, 1923 to build an 8' by 17' addition to the residence on the western portion of the site. A third building—use permit (BN 21387) was issued on April 15, 1965 to “establish for [the] record as two one family dwelling existing on [the] same lot prior to [the] adoption of present zoning code per affidavits filed and reside both dwelling subject to field inspections.” Therefore the requirements of this section are met as the single-family residences were legally established by permit. The permits are located in the project file as well as in the City’s microfilm records.

2. *Each existing single-family dwelling unit was constructed prior to February 20, 1982;*

There are existing permits on record with The City for the two single-family structures prior to 1982. As noted under criterion #1 above, building—use permit (BN 21387) was issued on April 15, 1965 to establish for [the] record as two one family dwelling existing on [the] same lot prior to [the] adoption of present zoning code per affidavits filed and reside both dwelling subject to field inspections. Therefore

the requirements of this section are met as the single-family residences were legally established by permit and constructed prior to 1982.

3. *Each resulting lot has one (1), but no more than one (1), existing single-family dwelling unit;*

Each resulting lot will have one (1) single family residence located on it as evidenced by the approved plat configuration showing separate structures on each proposed lot and coupled with the building permits detailed above which specify each structure as residence or dwelling. Therefore the provisions of this section are met.

4. *Parking is provided in accordance with Section 23.44.016, Parking location and access.*

Parking has been provided in accordance with SMC 23.44.016, thus this provision is met.

5. *Each resulting lot conforms to all other development standards of the zone unless the Director determines that the short subdivision cannot be approved if such standards are strictly applied and modification or waiver of some or all of such standards would further the public interest. If the Director makes such determination, then the Director may waive or modify development standards, provided that:*

- a. *Each existing single-family dwelling unit shall be set back at least three (3) feet from each common lot line in the short subdivision; and*
- b. *No resulting lot shall be smaller than one thousand eight hundred (1,800) square feet.*

The proposed subdivision will be in conformance with criterion *SMC 23.24.046B.5.a. and b.* as noted above. The single-family dwelling on the eastern portion of the existing lot will be 5.86 feet at the closest point of the exterior façade to the proposed common lot line. The smallest lot size of the proposed parcels is 1,800 square feet (parcel B).

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. Drainage Review recommends that the existing sanitary sewer for the existing “house” on proposed Parcel B be verified and located through dye testing or video inspection prior to a final DPD decision.
2. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be

identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.

3. Provide an easement for electrical facilities to the satisfaction of Seattle City Light. Added to the plat shall be the following statement. *"An easement is granted to Seattle City Light as shown on page ___ of ___."*
4. Modify the proposed vehicle access easement area south and west of the proposed surface parking spaces where each vehicle has a 22' by 22' vehicle maneuvering area (see correction notice, 1/20/05). As a result of this condition the proposed parking space will need to be moved further north and east of their current locations. Each space shall be a have minimum dimension of 8' by 16' with 1' added to the 8' dimension, if the space is next to a structure or property line.
5. Submit the final recording forms for approval and any necessary fees.

After Recording and Prior to Issuance of a Building Permit

5. Attach a copy of the recorded subdivision to all future building permit application plans.

Signature: (signature on file) Date: January 27, 2005
Colin R. Vasquez, Land Use Planner